

REMARKS

Status of Claim 28

In the previous Office Action claim 28 was listed as both cancelled and as withdrawn. Applicants apologize for this error. Claim 28 is not cancelled.

Claim Rejections Under 35 USC § 112, first paragraph

The claims reciting “treatment” have been clarified to reflect that the treatment is of a “pre-existing condition.”

Claim 30 is rejected even though the claim does not recite treatment. Claim 30 is directed to a method of protecting the proteins of the skin from stress by applying a cosmetic composition containing a compound of the invention to the skin. No reason or rationale is provided for the rejection of this claim. Cosmetic compositions are known to protect the skin, and within the skin such components as proteins, from a variety of stress factors, including, UV rays, chemical pollutants, various physical factors, e.g., wind, dehydration, etc., by, for example, providing a protective coating on the skin. The Office Action has not established why one of ordinary skill in the art would doubt the objective truth of a cosmetic composition containing a compound of the claims being useful for the protection of skin, and within the skin for the protection of proteins. Without such rationale, the Office has not carried its burden of establishing the lack of enablement.

It is not entirely clear whether the method claims were rejected merely because the term “treatment” was defined in the specification to include prevention, or whether the rejection is also in part because of the types of diseases recited in the claims. This is especially so, in view of the following.

In the last Office Action, which is dated January 23, 2007, all method claims were rejected without any discussion regarding the treatment of certain diseases being enabled. In the Office Action dated May 2, 2006, which was withdrawn and replaced by the last Office Action in view of the petition granted on May 16, 2006, granting the withdrawal of the restriction of certain claims, the enablement of the present method claims was admitted (see, for example, said Office Action’s page 2, first paragraph under the section 112 rejections) along with all the present method claims being either allowed or noted as allowable.

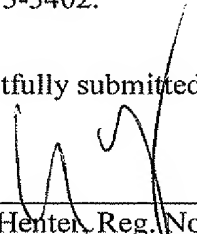
The Office Action dated May 2, 2006 even provides a detailed rationale for the claimed diseases being admittedly enabled, while pointing to several prior art references in support. See, page 2, second and third paragraphs under the rejections under section 112.

Applicants respectfully ask that the Examiner clarify the record, and in case there are rejections of the present method claims for reasons not apparent to applicants, to reconsider such rejections in view of the comments/admissions in the Office Action dated May 2, 2006, and in view of the extensive arguments already filed on this issue in the reply dated July 21, 2005.

The claims are amended by removing the term "solvate" from them.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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